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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/646,683	08/25/2003	Leslie B. Shutts	19521	1545
26480	7590	10/19/2004	EXAMINER	
LAWRENCE E. LAUBSCHER, SR. LAUBSCHER & LAUBSCHER 745 SOUTH 23RD STREET, SUITE 300 ARLINGTON, VA 22202			PETERSON, KENNETH E	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/646,683

Applicant(s)

SHUTTS ET AL.

Examiner

Kenneth E Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9 dec 03</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 3-13 are withdrawn from further consideration pursuant to 37 CFR

1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 29 Sep 04.

2. Applicant's IDS, received 09 December 03, has been considered. The catalog to Paladin Tools was of particular interest, especially the "economy fiber optic stripper", but the copy was of poor quality and vague date. It is noted that Applicant's company is the manufacturer of Paladin tools. In response to this action, Applicant should provide a more accurate date for the catalog (and any related publications or sale dates that may have an earlier date than the catalog) and to provide a more accurate presentation of the "economy fiber optic stripper", such as photographs or a sample or better drawings and a detailed description.

3. The abstract of the disclosure is objected to because it is over 150 words long. Correction is required. See MPEP § 608.01(b).

4. Claims 15-18 are objected to for antecedent basis problems.

On line 2 of each of claims 15-18, "the adjacent" should be changed to --an adjacent--.

5. Claims 2,14-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

On page 5 of Applicant's specification there is described the calibration means, which controls the distance that the operating members can move toward one another. However, the crimping surfaces 46 and 48 already define that, so it is not understood how surface 42 of the calibration means effects how far the operating members can move toward one another.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Bates '039 who shows a cable stripping tool having all of the recited limitations including a spring (30) and beveled operating members having openings (28,26) that increase in size the further they are from the pivot (15). Bates is capable of stripping fiber optic cables.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,2 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Paladin tool Catalog.

The Paladin "economy fiber optic stripper" is a stripper with most of the recited limitations except for a spring. However, the "Adjustable Jacket Stripper" right next to it teaches that it is advantageous to have a spring to bias the handles apart. It would have been obvious to one of ordinary skill in the art to have modified the "economy fiber optic stripper" by adding a spring, as taught by the "Adjustable Jacket Stripper", in order to ease the return of the tool back to it's original position.

In regards to claim 2, the Paladin "economy fiber optic stripper" does not show an adjustable calibrator. However, the "Adjustable Jacket Stripper" right next to it teaches that it is advantageous to have an adjustable calibrator, in order to vary the size of the opening, such that cables of non-premeditated size can be stripped. It would have been obvious to one of ordinary skill in the art to have modified the "economy fiber optic stripper" by adding an adjustable calibrator, as taught by the "Adjustable Jacket Stripper", in order to be able to strip cables of non-premeditated size.

In regards to claims 14-18, the Paladin "economy fiber optic stripper" teaches that it is well known to have the apertures initially set for specific cable sizes. Alltho the "economy fiber optic stripper" has only three openings, it would have been obvious to one of ordinary skill in the art to have provided five (for example, see John '357), and for

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them to be of the sizes set forth in Applicant's claims 14-18, since the courts have long held that it is obvious to optimize an existing device, so long as it's general intended use is not changed.

10. Claims 1,2 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, who shows a stripper with most of the recited limitations as set forth above. Bates lacks an adjustable stop calibration means. Examiner takes Official Notice that such is well known. An example of such is the patent to Makus '596 (34-38). It would have been obvious to one of ordinary skill in the art to have modified Bates by adding an adjustable stop, as is well known and taught by the Makus, in order to be able to strip cables of non-premeditated size.

In regards to claims 14-18, Bates teaches that it is well known to have the apertures initially set for specific cable sizes. Alltho Bates has only two openings, it would have been obvious to one of ordinary skill in the art to have provided five (see, for example, John '357), and for them to be of the sizes set forth in Applicant's claims 14-18, since the courts have long held that it is obvious to optimize an existing device, so long as it's general intended use is not changed.

11. Made of record but not relied on are numerous wire stripping patents.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-

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2186. Effective on about 16 November 04, the phone number will change to 571-272-4512. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp  
October 15, 2004



KENNETH E. PETERSON  
PRIMARY EXAMINER